

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

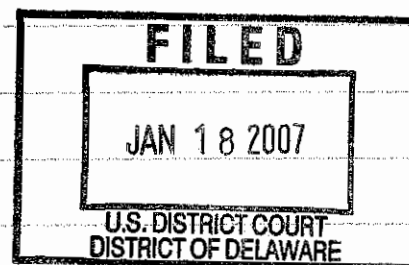
JIMMIE LEWIS

v.

CA. NO. 04 - 1350 (GMS)

DR. SYLVIA FOSTER, ET AL.

MOTION FOR ADMISSIONS # 1



BD scanned

DATE: 1/16/07

Jimmie Lewis
#506622
DEL. CORR. CENTER
1181 PADDOCK RD
SMYRNA, DE 19977

- 1.) DR. FOSTER, DO YOU ADMIT THAT YOU DID NOT DISCONTINUE THE P.R.N PRESCRIPTION FOR PSYCHOTROPIC DRUGS YOU ORDERED FOR THE PLAINTIFF, I.E., - GEODON - ATIVAN - HALDOL, AFTER YOU AUTHORED YOUR JUNE 10, 04 REPORT.
- 2.) DR. FOSTER, DO YOU ADMIT THAT THE 11/17/03 DATE YOU NOTED IN YOUR JUNE 10, 04 REPORT AS THE DATE OF THE PLAINTIFF'S ARREST, DOES NOT RELATE TO ANYTHING JUDICIAL REGARDING THE OFFENSES THE PLAINTIFF IS INCARCERATED FOR, EXCEPT THAT THE STATES DISTRICT ATTORNEY WAS SEEKING TO OBTAIN FELONY CONVICTION INFORMATION FROM MIAMI, FL ON 11/18/03 TO HAVE THE PLAINTIFF SENTENCE TO LIFE INPRISONMENT AS AN HABITUAL OFFENDER AS OPPOSED TO THE EIGHT YEARS HE WAS FACING, CAN BE VIEWED NOT JUST AS A COINCIDENCE, BUT AS CONSPIRACY.

3.) DR. FOSTER, DO YOU ADMIT THAT AN ALLERGIC REACTION TO PSYCHOTROPIC DRUGS CAN KILL.

4.) DR. FOSTER, DO YOU ADMIT THAT THE INFORMATION UTILIZED BY THE F.C.M MENTAL HEALTH EXAMINER, AND THEREAFTER UTILIZED BY YOU TO AUTHOR YOUR JUNE 10, 04 REPORT, WAS NOT SUPPORTED BY FACTUAL AFFIDAVITS THAT YOU RECEIVED AND CAN UTILIZE AS DISCOVERY EVIDENCE TO SUPPORT YOUR CLAIMS WHEN YOU REFER TO THE F.C.M MENTAL HEALTH EXAMINER, AS STATED IN YOUR JUNE 10, 04 REPORT.

5.) DR. FOSTER, DO YOU ADMIT THAT YOUR JUNE 10, 04 REPORT CONTAINS ERRORS THAT THE NEW CASTLE COUNTY SUPERIOR COURT JUDGE PEGGY L. ABLEMAN REFLECTED UPON BEFORE SENTENCING THE PLAINTIFF.

- 6.) DR. FOSTER, DO YOU ADMIT THAT YOUR JUNE 10, 04 REPORT STATES THAT NO PSYCHOTROPIC MEDICATION WAS PRESCRIBED, FOR WHICH IS INCORRECT BECAUSE YOU DID PRESCRIBE ~~IN~~ THE PLAINTIFF THE PSYCHOTROPIC DRUGS SEROQUEL, ATIVAN, HALDOL, EFFEXOR, AND GEODON THAT WAS GIVEN TO HIM THROUGH OUT THE COURSE OF HIS STAY AT THE D.P.C.
- 7.) DR. FOSTER, AS NOTED IN YOUR JUNE 10, 04 REPORT, DO YOU ADMIT THAT THE PLAINTIFF REVEALED NO EVIDENCE OF A MOOD DISORDER AND NO EVIDENCE OF PSYCHOSIS.
- 8.) DR. FOSTER, DO YOU ADMIT THAT YOUR JUNE 10, 04 REPORT DOES NOT REFLECT THAT THE GUATNEY AND OR THE MC GARRY FUNCTIONS WAS PRESENTED TO THE PLAINTIFF BEFORE HIS 10/21-23/03 TRIAL.

- 9.) DR. FOSTER, DO YOU ADMIT THAT YOU HAD THE AUTHORITY TO ORDER THE USE OF FORCE AGAINST A INMATE PATIENT DURING YOUR WORKING AS FORENSIC PSYCHIATRIST AT THE D. P. C. BETWEEN THE DATES 5/21/04 THRU 6/25/04.
- 10.) DR. FOSTER, DO YOU ADMIT THAT THE PLAINTIFF STOOD TRIAL OCT 21-23, 03, BUT YOU MADE ABSOLUTELY NO MENTION OF THIS FACT IN YOUR JUNE 10, 04 REPORT.
- 11.) DR. FOSTER, DO YOU ADMIT THAT YOUR JUNE 10, 04 FORENSIC EVALUATION TO DETERMINE THE PLAINTIFF'S COMPETENCY WAS NOT DONE RETRO ACTIVELY TO THE PLAINTIFF'S OCT 21-23, 03 TRIAL.
- 12.) DR. FOSTER, DO YOU ADMIT THAT THE PLAINTIFF HAS THE CONSTITUTIONAL RIGHT TO REFUSE PSYCHOTROPIC DRUGS.

- 13.) DR. FOSTER, DO YOU ADMIT THAT IF THE PLAINTIFF HAD BEEN GIVEN A COMPETENCY HEARING AT THE D.P.C., HE WOULD HAVE BEEN ABLE TO CHALLENGE YOUR JUNE 10, 04 REPORT, DURING SAID COMPETENCY HEARING.
- 14.) DR. FOSTER, DO YOU ADMIT THAT THE PLAINTIFF NEVER RECEIVED ANY WRITTEN NOTICES OF DISCIPLINARY SANCTIONS, ~~IN~~ INFORMING HIM OF (A) HIS RIGHTS, (B) WRITTEN DESCRIPTION OF SAID DISCIPLINARY VIOLATIONS, (C) HIS RIGHT TO APPEAL, (D) FACT FINDING EVIDENCE, (E) - HIS RIGHT TO COUNSEL, (F) HIS RIGHT TO BE PRESENT AT THE DISCIPLINARY HEARING.
- 15.) DR. FOSTER, DO YOU ADMIT THAT THE PLAINTIFF RECEIVED INVOLUNTARY INJECTIONS OF PSYCHOTROPIC DRUGS ON, 6/6/04, 6/14/04 AT OR ABOUT 8:00 PM, 6/14/04 AT OR ABOUT 11:00 PM, 6/21/04, 6/22/04 AND 6/24/04, BECAUSE IT WAS CONCLUDED THAT "AGGITATION" ~~WAS~~ WAS RESPONSABLE FOR THE PLAINTIFF'S BEHAVIOR.

16.) DR. FOSTER, DO YOU ADMIT THAT THE PLAINTIFF DIDN'T GO BEFORE ANY SORT OF A COMMITTEE CONSISTING OF A PSYCHIATRIST, A PSYCHOLOGIST AND A OFFICIAL, IN ORDER TO CONDUCT A JUDICIAL HEARING TO INFORM THE PLAINTIFF BY WAY OF WRITTEN NOTICE(S),

(a) THE NATURE OF THE JUDICIAL HEARING TO INVOLUNTARILY ADMINISTER PSYCHOTROPIC DRUGS TO HIM, (b) HIS RIGHT TO ATTEND, (c) HIS RIGHT TO PRESENT EVIDENCE, (d) HIS RIGHT TO CROSS EXAMINE WITNESSES, (e) HIS RIGHT TO BE REPRESENTED BY AN DISINTERESTED LAY ADVISER, (f) HIS RIGHT TO APPEAL, (g) HIS RIGHT TO PERIODIC REVIEW OF THE INVOLUNTARY ADMINISTRATION OF PSYCHOTROPIC DRUGS, AT ANY TIME DURING HIS STAY AT THE D.P.C BETWEEN THE DATES OF 5/21/04 THRU 6/25/04.

17.) DR. FOSTER, DO YOU ADMIT THAT YOU DID NOT RECEIVE AN OFFICIAL COURT ORDER FROM THE NEW CASTLE COUNTY SUPERIOR COURT, THAT WAS FILED WITH THE CLERK OF THE PROTHONOTARY AND DOCKETED ON THE PLAINTIFFS SUPERIOR COURT CRIMINAL DOCKET SHEET BEFORE HE WAS TRANSFERED BACK TO THE D.O.C ON 6/25/04

18.) DR. FOSTER, DO YOU ADMIT THAT YOU DON'T HAVE DOCUMENTATION SUCH AS DISCIPLINARY REPORTS AND OR NOTORIZED AFFIDAVITS TO FACTUALLY VALIDATE THAT ON 5/26/03 THE DATE OF THE PLAINTIFF ARREST, THAT HE ASSAULTED A CORRECTIONAL OFFICER, AND WAS TRANSFERED TO THE H.R.Y.C.I. INFIRMARY, AS NOTED IN YOUR JUNE 10, 04 REPORT.

19.) DR. FOSTER, DO YOU ADMIT THAT YOUR JUNE 10, 04 REPORT FOR WHICH IS ABOUT 7 PAGES, ONLY UTILIZES 6 SENTENCES TO MAKE REFERENCE REGARDING THE OFFENSE(S) THAT THE PLAINTIFF WAS ~~ORDERED~~ ORDERED TO BE EVALUATED FOR, DOES NOT MAKE ANY REFERENCE REGARDING THE PLAINTIFF'S STATE OF MIND AT THE TIME OF THE ALLEGED OFFENSES.

20.) DR. FOSTER, DO YOU ADMIT THE NEWS PAPER MISSING PERSON'S AD DEPICTING THE PLAINTIFF AS A MENTAL HEALTH PERSON JUST SEVEN DAYS (MAY 19, 2003) BEFORE HIS MAY 26, 2003 ARREST SHOULD HAVE BEEN TAKEN INTO CONSIDERATION REGARDING THE PLAINTIFFS STATE OF MIND AT THE TIME OF THE ALLEGED OFFENSES NOTED IN YOUR JUNE 10, 04 REPORT.

21.) DR. FOSTER, ACCORDING TO THE D.P.C
P.R.N MEDICATION ADMINISTERED SHEET,
THE PLAINTIFF RECEIVED INVOLUNTARY
ADMINISTERED PSYCHOTROPIC DRUGS, 5 out of
THE LAST 10 DAYS OF HIS STAY AT THE D.P.C
DATING 6/15/04 THRU 6/25/04, DO YOU ADMIT
THAT THE PLAINTIFF WAS NOT STABLE AND
SHOULD NOT HAVE BEEN TRANSFERRED TO THE
DEPARTMENT OF CORRECTIONS AT THAT TIME,
AS IS STATED IN YOUR JUNE 10, 04 REPORT.

22.) DR. FOSTER, DO YOU ADMIT THAT YOU
DID NOT AND OR DO NOT HAVE ANY
FORENSIC PROOF SUCH AS AFFIDAVITS AND OR
OTHER DOCUMENTS THAT CAN BE PROVIDED
VIA DISCOVERY, REGARDING THE PLAINTIFF'S
ALLEGED OUT OF STATE LEGAL HISTORY TO SUPPORT
YOUR CLAIMS, AS IS STATED IN YOUR
JUNE 10, 04 REPORT

23.) DR. FOSTER, DO YOU ADMIT THAT YOU WERE NOT PRESENT AND HAVE NO FACTUAL PROOF SUCH AS AFFIDAVIT, VIDEO AND OR AUDIO RECORDINGS THAT YOU COULD PROVIDE VIA DISCOVERY REQUEST THAT WOULD SUPPORT YOUR STATING; QUOTE, THE PLAINTIFF REFUSED ALL MEDICATIONS AND REQUESTED ONLY XANAX AND VALIUM, HIGHLY ADDICTIVE DRUGS OF THE BENZODIAZEPHINE FAMILY, AS IS STATED IN YOUR JUNE 10, 04 REPORT.

24.) DR. FOSTER, DO YOU ADMIT THAT YOU DO NOT HAVE A PHOTO COPY OF THE ALLEGED HIGHLY ARTICULATE WELL WRITTEN EXPLANATION THAT ~~THE PLAINTIFF~~ YOU STATED THE PLAINTIFF AUTHORED AND HANDED OUT REGARDING HIS ACTIONS OF THE ALLEGED CRIME HE'S INCARCERATED FOR, AS IS STATED IN YOUR JUNE 10, 04 REPORT.

25.) DR. FOSTER, DO YOU ADMIT THAT
THE WILMINGTON DEPARTMENT OF
POLICE DETAINEE ASSESSMENT / PROPERTY
RECEIPT IS THE ONLY DOCUMENT AVAILABLE
THAT STATES EXACTLY WHY THE PLAINTIFF
WAS TRANSFERRED TO THE H.R.Y.C.I
ON MAY 26, 03 THE DATE OF HIS
~~ARREST~~ ARREST

CERTIFICATE OF SERVICE

I, THE UNDERSIGNED PLAINTIFF JIMMIE LEWIS
DOE HEREBY CERTIFY ON THIS 16TH, DAY OF,
JAN, 2007, THAT I DID MAIL ONE TRUE
AND CORRECT COPY OF THE MOTION FOR
ADMISSION # 1, BY U.S. POSTAL TO EACH
OF THE FOLLOWING :

CLERK OF THE COURT (GMS)
UNITED STATES DISTRICT COURT
844 N. KING ST, LOCK BOX 18
WILMINGTON, DELAWARE 19801

LOUIS J. RIZZO JR
1001 JEFFERSON PLAZA
SUITE 202
WILMINGTON, DELAWARE 19801

DATE: 1/16/07

Jimmie Lewis
#B1 #506622
DEL. CORR. CENTER
1181 PADDOCK RD
SMYRNA, DE 19977

STATE OF FLORIDA, COUNTY OF DADE
I HEREBY CERTIFY that the foregoing is a true and correct copy of the
original on file in this office. 111863 Ad 20
HARVEY RUVIN, Clerk of Circuit and County Courts
Deputy Clerk [Signature]



^u "JURY INSTRUCTION"

STATE OF MIND

An element of a criminal offense deals with the state of mind of the defendant. It is, of course, difficult to know what is going on in another person's mind. Therefore, you are permitted to draw an inference, or in other words to reach a conclusion, about a defendant's state of mind from the facts and circumstances surrounding the act that the defendant is alleged to have done. In reaching this conclusion, you may consider whether a reasonable person acting in the defendant's circumstances would have had or would have lacked the requisite [intention, recklessness, knowledge or belief]. You should, however, keep in mind at all times that it is the defendant's state of mind which is at issue, and in order to convict the defendant you are required to find beyond a reasonable doubt that the defendant in fact had the [intention, recklessness, knowledge, or belief] required for a finding of guilt.

The fact that our law permits you to draw an inference about a defendant's state of mind in no way relieves the State of its burden of proving beyond a reasonable doubt every element of an offense.

SATURDAY, JULY 5, 2003

NEWS BRIEFS**Three injured in jump
from burning boat**

BRICK: Three people suffered minor burns and two others escaped injury when all five jumped from a boat that caught fire in the Barnegat Bay near the Metedeconk River yesterday, Brick Township police said.

The boat was about 30 yards out from an Ocean County marina about 4:30 p.m. when flames engulfed the craft, possibly the result of an explosion, said Sgt. Craig Lash.

All five boaters were rescued, the sergeant said. The boat, which was gutted, drifted to shore and beached itself.

**Public is asked to help
find missing Newark man**

NEWARK: Police are seeking the public's assistance in finding a city resident who suffers from schizophrenia and a bipolar disorder.

Jimmie Lewis Jr., 36, talked last with his mother by telephone on May 19, but wasn't reported missing until June 25, said Lt. Derek Glenn, a city police spokesman.

**LEWIS**

He said Lewis, described as manic depressive, is 6 feet 2 inches, weighs 230 pounds, has brown eyes, black hair and a dark skin.

Glenn said anyone with information should contact police at (973) 733-5172.

WILMINGTON DEPARTMENT OF POLICE

Detainee Assessment / Property Receipt

Detainee's Name: Lewis, Jinnie Case #: 30-03-
Last, First Middle

Charges: Carjacking, Theft Arresting Officer: E. Godwin

Additional Officer: J. Santana

Detainee's Physical Condition: OK ☒ Other ☐

Explain: (Body deformities/Bruises/Sutures): _____

Medication: Yes ☒ No ☐ Type: PSYCHOTROPIC
THORAZINE, DEPAKOTE, VISTARIL, RISPERDAL

Unusual Behavior:

Explain: DETAINEE STATED THOUGHTS OF SUICIDE,
TRANSFERRED TO M.P.C.J.F INFIRMARY

Detainee's Property

Seized as Evidence

Currency/Coin U.S. Currency: 7.00
 U.S. Coin: 2.26
 Total: 9.26

U.S. Currency: _____
 U.S. Coin: _____
 Total: _____

(Have detainee initial next to totals)

Clothing: BELT, WALLET WITH S.S CARD, LICENCES (NT).

Jewelry: NECKLESS WITH EGYPTION CROSS, DEVIL HORNS AND
CAT EYE CONTACT LENSES

Miscellaneous: 3 SETS OF KEYS (ONE SET VICTIMS),
PSYCH TREATMENT PLAN, AMTRAK TRAIN TICKET

[Signature]
 Officer Receiving Property

05/26/03
 Date

06 21 hours
 Time

Transporting Officer [Signature]

Date

 Time hours

I, _____, have received the above property from the Wilmington Department of Police, which was taken from me on the above date. _____ hours.

Date

Time